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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10-049,738	06/03/2002	Hans Streubel	HM-469PCT	4567

7590  
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317 Madison Avenue  
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02/13/2003

EXAMINER

LIN, KUANG Y

ART UNIT	PAPER NUMBER
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1725

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DATE MAILED: 02/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/049,738

Applicant(s)

STREUBEL ET AL.

Examiner

Kuang Y. Lin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

1. Applicant is advised that the abstract, which appears on the page of the PCT Gazette (or the front page of the pamphlet) of published international application number WO 01/14085 will be used as the abstract for this application.
2. The drawing is objected to in that the claimed feature of claim 18 is not shown. Correction is required.
3. Claims 1-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, last five lines, it is not clear what structural difference between "supported on a stationary axle (24) fixedly connected to the stand (3, 23), by means of at least on supporting element, in particular, by supporting elements (29, 29') arranged on both side" and "by at least one supporting element (29, 29'), in particular protruding into the casing (27) on both sides" is. In claim 2, it is not clear how one supporting element (29') forms a part of the casing (27) and one supporting element (29) forms a part of the axle (24) and also there is a lack of antecedent in the specification for the claimed feature. In claim 5, line 2, there is a lack of antecedent basis in the claim for "**the bearing rings** (29, 29')". In claim 5, last three lines, the meaning is not clear. In claim 6, what are the "crown gear" and the claimed structure? In claim 7, the meaning of "a drive gear **is flanged** to the stationary axle" is not clear. In claim 8, it involves a structure

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defined by a method. In claim 12, the meaning of "engaging keys" is not clear and also there is a lack of antecedent basis in the specification for the "engaging keys". In claim 14, there is a lack of antecedent in the specification for the claimed feature that "stop surfaces and support surfaces are arranged on the stand for inserting the casting rollers form above". In claim 15, it is not clear what part of the apparatus is secured by the locking element. In claim 22, there is a lack of antecedent basis in the specification for the claimed feature.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 900,607 and further in view of Nakanori et al.

EP '607 substantially shows (see, particularly, figures 13-15) the invention as claimed except the bearing journals. However, Nakanori et al show that feature to be conventional. It would have been obvious to provide the bearing journals for the apparatus of EP '607 to support the casting rolls. With respect to claim 3, the casing 6 of EP '607 is rotated on the stationary shaft 9 (see, for example, figure 13). Therefore, a bearing ring must have been provided for each end of the casing assembly. With respect to claims 8 and 19, it would have obvious to use any driving means as long as it can provide the driving function for the casing. With respect to claim 12, the casing and the bearing rings (or support elements) of EP '607 formed as an integral structure and therefore it performs the same function as designated by applicants. With respect to claims 16 and 17, it is conventional to provide EM brake in a twin rolls assembly for the metal bath. With respect to claim 22, it would have been obvious to build the outer surface of casing of EP 607 with a corrosion and wearing resistant material such that to prolong the service life thereof.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kuang Y. Lin whose telephone number is 703-308-2322. The examiner can normally be reached on Monday-Friday, 10:00-6:30.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas X Dunn can be reached on 703-308-3318. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

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February 7, 2003



KUANG Y. LIN  
EXAMINER  
GROUP 320

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